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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,503	04/16/2001	Alexander Bubblewitz		9404

7590

11/20/2001

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Merrion Square Suite 101
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Annandale, VA 22003

EXAMINER

COOLEY, CHARLES E

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 11/20/2001

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,503

Applicant(s)

Bublewitz et al.

Examiner

Charles Cooley

Art Unit

1723



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 Oct 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-57 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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OFFICE ACTION

1. This application remains assigned to Technology Center 1700, Art Unit 1723 and the following will now apply for this application:

a. Please direct all written correspondence with the correct application serial number for this application to Art Unit 1723.

b. Telephone inquiries regarding this application should be directed to the Technology Center 1700 receptionist at ☎(703) 308-0651 or to the Examiner at ☎(703) 308-0112. Official facsimile correspondence filed before a final office action should be transmitted to ☎(703) 872-9310. Official facsimile correspondence which responds to a final office action should be transmitted to ☎(703) 872-9311.

c. Inquiries regarding application status, matching responses with applications, patent term questions, locating and retrieval of applications, incomplete office actions, requests for copies of office actions and/or references, requests to remail office actions, small/large entity status, or other administrative inquiries should be directed to the **Technology Center 1700 Customer Service Center** at ☎(703) 306-5665.

Priority

2. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). All of the CERTIFIED copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

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Specification

3. The abstract is acceptable.
4. The title is acceptable.

Claim Rejections - 35 U.S.C. § 112, second paragraph

5. Claims 34-57 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34, line 4: after "rear end" insert --of the housing-- to provide antecedent basis for later recitations of "rear end of the housing"; in line 16, it appears "carry" should be --carrying--; in line 23, "the two ducts" lacks antecedent basis; in line 24, what element(s) open radially into the cylindrical recess?

Claim 35, line 1: replace "at least said one" with --said at least one-- to agree with a previous claim and to clarify the wording.

Claim 42, line 1: replace "at least said one" with --said at least one-- to agree with a previous claim and to clarify the wording.

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Claim 43, line 1: replace "at least said one" with --said at least one-- to agree with a previous claim and to clarify the wording.

Claim 44, line 1: replace "at least said one" with --said at least one-- to agree with a previous claim and to clarify the wording.

Claim 45, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording.

Claim 46, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording.

Claim 47, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording; claim 47 is a duplicate of claim 46 and claim 47 depends from claim 46.

Claim 48, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording.

Claim 49, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording.

Claim 51, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording; claim 51 is a duplicate of claim 45 and both claims depend directly from claim 34.

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Claim 52, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording.

Claim 53, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording.

Claim 54, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording;
claim 54 is a duplicate of claim 48 and both claims depend directly from claim 38.

Claim 55, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording;
claim 55 is a duplicate of claim 49 and both claims depend directly from claim 41.

Claim 56, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording;
claim 56 is a duplicate of claim 45 and claim 56 depends directly from claim 45.

Claim 57, line 4: after "contiguous" insert --with-- or --to-- to clarify the wording;
claim 57 is a duplicate of claim 45 and thus fails to further limit the subject matter of
claim 45 from which it ultimately depends.

Allowable Subject Matter

6. Claims 34-57 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

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7. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

The claims are deemed allowable over the prior art of record for the reasons advanced by Applicant in the response filed 18 OCT 2001.

Response to Amendment

8. Applicant's arguments filed 18 OCT 2001 have been fully considered but they are not deemed to be persuasive.

Although applicant believes the amended claims comply with 35 U.S.C. § 112, second paragraph, the deficiencies enumerated above are considered valid for the reasons outlined. Correction of such deficiencies by amendment, subject to the provisions of MPEP 714.12 and 714.13, would appear to place the claims in allowable form.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED

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STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION. **ANY RESPONSE FILED AFTER THE MAILING DATE OF THIS FINAL REJECTION WILL BE SUBJECT TO THE PROVISIONS OF MPEP 714.12 AND 714.13.**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles Cooley whose telephone number is ☎ (703) 308-0112.

11. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is ☎ (703) 308-0651.

Dated: 12 November 2001



Charles Cooley
Primary Examiner
Art Unit 1723